

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:
	:
v.	:
	:
INIGO AUGUST PHILBRICK,	:
	:
Defendant.	:
-----X	

PARTIAL VACATUR OF FINAL
ORDER OF FORFEITURE

20 Cr. 351 (SHS)

WHEREAS, on or about July 13, 2020, INIGO AUGUST PHILBRICK (the “Defendant”) was charged in a two-count Indictment, 20 Cr. 351 (SHS) (the “Indictment”), with wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count One); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(c)(5), and 2 (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(c) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, on or about November 18, 2021, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c): (i) a sum of money equal to \$86,672,790.00 in United States currency,

representing proceeds traceable to the commission of the offense charged in Count One of the Indictment; and (ii) all right, title and interest of the defendant in the following specific property:

- a. *Untitled* 1998 painting by Christopher Wool, 108 x 72 inches (the “Wool Artwork”); and
- b. *Untitled* 2018 painting by Wade Guyton, 40 x 36 inches

(a. and b., collectively the “Specific Property”);

WHEREAS, on or about May 25, 2022, the defendant was sentenced and ordered to forfeit, among other things, all of his right, title and interest in the Specific Property;

WHEREAS, on or about November 18, 2021, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (D.E. 45), which, among other things, ordered the forfeiture of the Defendant’s right, title, and interest in the Specific Property to the United States;

WHEREAS, on or about January 24, 2023, the Court entered a Final Order of Forfeiture (D.E. 93) as to Specific Property;

WHEREAS, following the entry of the Final Order of Forfeiture, the Government learned that the Wool Artwork was in the custody of a victim (“Victim-1”) as the Wool Artwork had been previously transferred to Victim-1 by the Defendant;

WHEREAS, the Government recognizes the Victim-1’s superior interest in the Wool Artwork pursuant to Title 21, United States Code, Section 853(n)(1);

WHEREAS, the Government requests that the Final Order of Forfeiture as to the Wool Artwork be vacated.

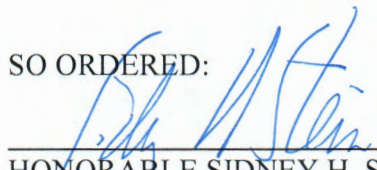
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The Final Order of Forfeiture entered on January 24, 2023, is hereby vacated only with respect to the Wool Artwork.

2. The Final Order of Forfeiture shall remain in full force and effect in all other respects.

Dated: New York, New York
July 5, 2023

SO ORDERED:



HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE